

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
COLORADO RIVER BASIN REGION

ORDER NO. 00-087
NPDES NO. CA0104523

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM PERMIT
AND
WASTE DISCHARGE REQUIREMENTS
FOR
CITY OF BRAWLEY, OWNER/OPERATOR
MUNICIPAL WASTEWATER TREATMENT PLANT
Brawley – Imperial County

The California Regional Water Quality Control Board, Colorado River Basin Region, finds that:

1. On November 22, 1999, the City of Brawley, Owner/Operator (hereinafter referred to as the discharger), 400 Main Street, Brawley, CA 92227, submitted an application to update its waste discharge requirements and to renew its permit to discharge secondary treated wastewater to the New River under the National Pollutant Discharge Elimination System (NPDES) for its facility located at 5015 Best Road, Brawley, California.
2. The discharger owns and operates a wastewater collection system that consists of separate storm and combined sewer systems. This system, with a length of 71.5 miles, provides conveyance of raw wastewater to the treatment plant. The treatment plant provides sewerage service to the City of Brawley.
3. The wastewater treatment plant presently has a design capacity of 3.9 million-gallons-per-day (MGD) with an average daily flow of 3.58 million gallons-per-day MGD of secondary treated wastewater. The discharge is into the New River, in the SW ¼ of Section 15, T13S, R14E, SBB&M as indicated on Attachment "A" incorporated herein and made a part of this Board Order. The New River flows 18.5 miles before entering the Salton Sea.
4. The treatment facility consists of two manual rake bar screens, an aerated grit chamber, two primary clarifiers, two aeration ponds with floating aerators, three stabilization ponds, two anaerobic digesters, and sludge drying beds.
5. The discharger is currently under Time Schedule Order No. 99-054. The Time Schedule Order was adopted as a result of the facility consistently receiving flow volumes in excess of 80% of its design capacity. The Time Schedule Order lists the construction completion date as March 1, 2002.
6. The National Pollutant Discharge Elimination System Permit application described the Influent into the treatment plant as follows:

<u>Constituent/Parameter</u>	<u>Value</u>	<u>Units</u>
Annual Average Flow	3.58	MGD
Annual Average BOD ¹	121	mg/L ²
Annual Average TSS ³	125	mg/L

7. The National Pollutant Discharge Elimination System Permit application described the effluent characteristics as follows:

<u>Constituent/Parameter</u>	<u>Value</u>	<u>Units</u>
Annual Average Flow	3.58	MGD
Lowest Monthly Average Flow	3.26	MGD
Highest Monthly Average Flow	3.91	MGD
Lowest Monthly Average pH	7.5	---
Highest Monthly Average pH	7.9	---
Lowest Monthly Average Value BOD	38	mg/L
Highest Monthly Average Value BOD	49	mg/L
Annual Average TSS	39	mg/L
Highest Monthly Average TSS	57	mg/L
Annual Average Settleable Matter	< 0.1	ml/L ⁴

8. Sludge is treated by anaerobic digestion, dried in sludge drying beds and accumulated at the site prior to disposal. Current disposal method is by land application.
9. The discharger has been subject to an NPDES Permit and waste discharge requirements adopted in Board Order No. 95-014 (NPDES No. CA0104523) adopted March 29, 1995, which allows for discharge to the New River.
10. This Board Order reissues the NPDES Permit to comply with current laws and regulations as set forth in the California Water Code and Federal Code of Federal Regulations (CFR).
11. The Water Quality Control Plan for the Colorado River Basin Region of California (Basin Plan) was adopted on November 17, 1993, and designates the beneficial uses of ground and surface waters in the Region.

¹ Biochemical Oxygen Demand

² Milligrams per Liter

³ Total Suspended Solids

⁴ Milliliters per Liter

12. The designated beneficial uses of waters in the New River are:
 - a. Fresh Water Replenishment of the Salton Sea (FRSH)
 - b. Water Contact Recreation (REC I)⁵
 - c. Non-Contact Water Recreation (REC II)
 - d. Warm Water Habitat (WARM)
 - e. Wildlife Habitat (WILD)
 - f. Preservation of Rare, Endangered or Threatened Species (RARE)⁶
13. Federal regulations for storm water discharges were promulgated by the U. S. Environmental Protection Agency on November 16, 1990 (40 CFR Parts 122, 123, and 124). The regulations require specific categories of facilities which discharge storm water associated with industrial activity (storm water) to obtain NPDES permits and to implement Best Conventional Pollutant Technology (BCPT) to reduce or eliminate industrial storm water pollution.
14. The State Water Resources Control Board adopted Order No. 91-13-DWQ (General Permit No. CAS000001), as amended by Water Quality Order No. 92-12-DWQ, specifying waste discharge requirements for discharges of storm water associated with industrial activities, excluding construction activities, and requiring submittal of a Notice of Intent by industries to be covered under the Permit.
15. The U.S. Environmental Protection Agency adopted the National Toxics Rule (NTR) on February 5, 1993. The NTR requires effluent limitation for all pollutants that are or may be discharged at a level that will cause or have the reasonable potential to cause, or contribute to an in-stream excursion above a narrative or numeric water quality standard.
16. On May 18, 2000, the U.S. Environmental Protection Agency published the adopted California Toxics Rule (CTR). The CTR promulgates new criteria for both human health protection and protection of aquatic life. New numeric aquatic life criteria for 23 priority toxic pollutants and numeric human health criteria for 57 priority toxic pollutants are listed. In addition, the CTR contains a compliance schedule provision, which authorizes the State to issue schedules of compliance for new or revised NPDES permit limits based on the federal criteria when certain conditions are met.
17. On March 2, 2000, the State Water Resources Control Board adopted the Policy for Implementation of Toxics Standards for Inland Surface Waters, Enclosed Bays and Estuaries of California (California Toxics Policy). This Policy establishes (1) implementation provisions for priority pollutant criteria promulgated by the U.S. EPA through the NTR and CTR and for priority pollutant objectives established by the Regional Water Quality Control Boards in their water quality control plans; (2) monitoring requirements for 2, 3, 7, 8- tetrachlorodibenzo-p-dioxin (TCDD) equivalents; and (3) chronic toxicity control provisions.

⁵ Although some fishing occurs in the downstream reaches, the presently contaminated water in the river makes it unfit for any recreational use. An advisory has been issued by the Imperial County Health Department warning against the consumption of any fish caught from the river and the river has been posted with advisories against any body contact with the water."

⁶ Rare, endangered, or threatened wildlife exists in or utilizes some of these waterway(s). If the RARE beneficial use may be affected by a water quality control decision, responsibility for substantiation of the existence of rare, endangered, or threatened species on a case-by-case basis is upon the California Department of Fish and Game on its own initiative and/or at the request of the Regional Board; and such substantiation must be provided with a reasonable time frame as approved by the Regional Board.

18. The proposed discharge is consistent with the anti-degradation provisions of 40 CFR 131.12 and State Water Resources Control Board Resolution No. 68-16. If terms of the permit are met, the impact on water quality will be insignificant, including potential impacts on aquatic life, which is the beneficial use most likely affected by the discharge.
19. Discharges exceeding 1.0 MGD of domestic wastewater are classified as major by the U.S. Environmental Protection Agency. Accordingly, the Regional Board has classified this discharge as a major discharge.
20. Effluent and receiving water limitations in this Board Order are based on the Federal Clean Water Act, Basin Plan, State Water Resources Control Board's plans and policies, U. S. Environmental Protection Agency guidance, best professional judgment, and best available technology economically achievable.
21. Effluent limitations and toxic and pretreatment effluent standards, established pursuant to Section 208(b), 301, 302, 304, and 307 of the Federal Clean Water Act (CWA) and amendments thereto that are applicable to this discharge are implemented in this Board Order.
22. The action to adopt an NPDES Permit is exempt from the provisions of the California Environmental Quality Act (CEQA: Public Resources Code Section 21100, et. seq.), pursuant to Section 13389 of the California Water Code.
23. The Board has notified the discharger and all known interested agencies and persons of its intent to renew and update NPDES Permit and waste discharge requirements for said discharge, and has provided them with an opportunity for a public meeting and an opportunity to submit comments.
24. The Board in a public meeting heard and considered all comments pertaining to this discharge.

IT IS HEREBY ORDERED, that Board Order No. 95-014 is terminated, and in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder, and the provisions of the Federal Clean Water Act, and regulations and guidelines adopted thereunder, the discharger shall comply with the following:

A. Effluent Limitations

1. Effluent discharged to the New River shall not contain constituents in excess of the following limits:

<u>Constituent</u>	<u>Unit</u>	<u>30-Day⁷ Arithmetic Mean Discharge Rate</u>	<u>7-Day⁸ Arithmetic Mean Discharge Rate</u>
20°C BOD ₅	mg/L	45	65
Total Suspended Solids	mg/L	95	--
Settleable Matter	ml/L ⁹	0.3	0.5

⁷ 30-Day Mean – The arithmetic mean of pollutant parameter values of samples collected in a period of 30 consecutive days.

⁸ 7-Day Mean – The arithmetic mean of pollutant parameter values of samples collected in a period of 7 consecutive days.

2. The 30-day average percent removal of the pollutant parameters BOD₅ and suspended solids shall not be less than 65 percent.
3. The hydrogen ion (pH) of the effluent shall be maintained within the limits of 6.0 to 9.0.
4. The twenty-four (24) hour hydraulic flow rate for this system shall not exceed 3.9 MGD for the current facility. Construction to be completed by March 1, 2002 will increase the twenty-four (24) hour hydraulic flow rate to 5.9 MGD.
5. The effluent shall not contain heavy metals, chemicals, pesticides or other constituents in concentration toxic to aquatic life.
6. There shall be no acute toxicity in the treatment plant effluent nor chronic toxicity in the receiving water. Compliance with this objective will be determined by use of indicator organisms, analyses of species diversity, population density, growth anomalies, or bioassays of appropriate duration or other appropriate methods specified by the Regional Board.
7. Effluent discharged to New River shall not have a fecal coliform concentration in excess of a log mean of Most Probable Number (MPN) of 200 MPN per 100 milliliters (based on a minimum of not less than five samples for any 30-day period) nor shall more than ten percent of total samples during any 30-day period, exceed 400 MPN per 100 milliliters. To allow for the financing, design and construction of disinfection facilities, the fecal coliform limitations will become effective on March 1, 2002.

B. Receiving Water Limitations

1. Receiving water limitations are based upon water quality objectives contained in the Basin Plan. As such, they are a required part of this Board Order. The discharge shall not cause the following in the New River:
 - a. Depress the concentration of dissolved oxygen below 5.0 mg/L. When dissolved oxygen in the receiving water is already below 5.0 mg/L, the discharge shall not cause any further depression.
 - b. The presence of oil, grease, floating material (liquids, solids, foam and scum) or suspended material in amounts that create a nuisance or adversely affect beneficial uses.
 - c. Result in the deposition of pesticides or combination of pesticides to be detected in concentrations that adversely affect beneficial uses.
 - d. Aesthetically undesirable discoloration or odors in the receiving water.
 - e. A significant increase in fungi, slime, or other objectionable growth.
 - f. The turbidity to increase by more than 10 percent over background levels.
 - g. The normal ambient pH to fall below 6.0 or exceed 9.0 units.

⁹ ml/L – milliliter per Liter

- h. The normal ambient receiving water temperature to be altered more than 5°F.
 - i. Result in the deposition of material that causes nuisance or adversely affects beneficial uses.
 - j. The chemical constituents to exceed concentrations that adversely affect beneficial uses or create nuisance.
 - k. The maximum electrical conductivity to exceed background levels.
 - l. Toxic pollutants to be present in the water column, sediments or biota in concentrations that adversely affect beneficial uses or that produce detrimental physiological responses in human, plant, animal, or aquatic life.
2. The discharger shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Board will revise and modify this Permit in accordance with such more stringent standards.

C. Prohibitions

1. Discharge of treated wastewater at a location or in a manner different from that described in Findings No. 1 and 3 is prohibited.
2. The discharger shall not accept waste in excess of the design treatment capacity of the treatment plant.
3. The bypass or overflow of untreated wastewater or wastes to the New River is prohibited, except as allowed in the Standard Provision No. 13, as contained in the Standard Provisions for National Pollutant Discharge Elimination System Permit (hereinafter Standard Provisions), dated October 1990.

D. Specifications

1. The treatment or disposal of wastes at this facility shall not cause pollution or nuisance as defined in Section 13050(l) and 13050(m) of Division 7 of the California Water Code.
2. The wastewater treatment plant shall be protected from any washout or erosion of wastes or covering material, and from any inundation, which could occur as a result of floods having a predicted frequency of once in 100 years.
3. Public contact with undisinfected water or wastewater shall be precluded through such means as fences, signs, and other acceptable alternatives.
4. The discharge shall not cause degradation of any water supply.
5. The effluent shall not contain heavy metals, chemicals, pesticides or other constituents in concentration toxic to aquatic life.

6. Bioassays shall be performed to evaluate the toxicity of the discharged wastewater in accordance with the following procedures unless otherwise specified by the Regional Board's Executive Officer or his designee:
 - a. Bioassays shall be conducted on a sensitive fish species and an invertebrate species as approved by the Regional Board's Executive Officer. Pimephales promelas (fathead minnow) and Ceriodaphnia are suggested test species which may be utilized. The bioassays shall be conducted in accordance with the protocol given in EPA/600/4-91/002 – Short Term Methods for Estimating the Chronic Toxicity of Effluent and Receiving Waters to Freshwater Organisms and EPA/600/4-90/027F Methods for Measuring the Acute Toxicity of Effluents and Receiving Waters Freshwater and Marine Orgaisms.
 - b. The bioassay test specified in the Monitoring and Reporting Program shall be performed as specified.
7. Any chronic toxicity test that exceeds two chronic toxicity units (TU_c) or a three-sample median (quarterly samples) that exceeds one TU_c may trigger an accelerated monitoring frequency. In addition, any acute toxicity results showing high toxicity may trigger an accelerated monitoring frequency. High acute toxicity is defined as follows:
 - a. Less than 80% survival when acute toxicity is calculated from results of the chronic toxicity test, or
 - b. Less than 90% survival as calculated from the results of the acute toxicity test.
8. Accelerated monitoring frequency shall consist of performing three toxicity tests in a six-week period following the first exceedence of the chronic or acute toxicity triggers.
9. A Toxicity Identification Evaluation (TIE) may be triggered if the accelerated monitoring frequency indicate any of the following:
 - a. A chronic toxicity of 2 TU_c or greater;
 - b. The three-sample median exceeds 1 TU_c,
 - c. Less than 80% survival when acute toxicity is calculated from results of the chronic toxicity test, or,
 - d. Less than 90% survival when acute toxicity is calculated from the results of the acute toxicity test.
10. The TIE shall be conducted to identify and evaluate toxicity in accordance with procedures recommended by the United States Environmental Protection Agency (USEPA) and includes, but need not be limited to, proposed:
 - a. Test species;
 - b. Method of collection of effluent samples (preferably composite samples);
 - c. Duration of test;
 - d. Environmental conditions under which the tests are to be performed;
 - e. Number of replications; Descriptions of the "treatment" of the effluent; and
 - f. Time schedule for implementation.
11. If repeated tests reveal toxicity as a result of the waste discharge, the discharger may be required to conduct a Toxicity Reduction Evaluation (TRE). The discharger shall take all

reasonable steps to control toxicity once the source of the toxicity is identified; and a failure to conduct required toxicity tests or a TRE within a designated period shall result in the establishment of effluent limitations for chronic toxicity in a permit or appropriate enforcement action.

E. Provisions

1. This Board Order shall serve as a National Pollutant Discharge Elimination System Permit pursuant to Section 402 of the Federal Clean Water Act, as amended, and shall become effective at the end of ten (10) days from the date of the hearing at which this Board Order was adopted by the Regional Board, provided the Regional Administrator, U. S. Environmental Protection Agency has no objections.
2. This Board Order expires five years from date of adoption on June 28, 2005, and the discharger shall file a complete Report of Waste Discharge in accordance with Title 23, California Code of Regulations, at least 180 days in advance of such date as an application for issuance of a new Board Order.
3. The discharger shall provide a report to the Regional Board when it determines that the plant is operating at 80 percent of the design capacity specified in Finding No. 2, above. The report should indicate what steps, if any, the discharger intends to take to provide for the expected wastewater treatment capacity necessary when the plant reaches design capacity.
4. The discharger shall ensure that all site-operating personnel are familiar with the content of this Board Order, and shall maintain a copy of this Board Order at the site.
5. Prior to any change in ownership or management of this operation, the discharger shall transmit a copy of this Board Order to the succeeding owner/operator, and forward a copy of the transmittal letter to the Regional Board.
6. The discharger shall comply with all of the conditions of this Board Order. Any noncompliance with this Board Order constitutes a violation of the Porter-Cologne Water Quality Control Act and is grounds for enforcement action.
7. The discharger shall comply with all conditions of this Board Order. Noncompliance constitutes a violation of the Federal Clean Water Act, and is grounds for enforcement action; for Permit termination, revocation and reissuance, or modification of waste discharge requirements; or denial of a Permit renewal application.
8. The discharger shall comply with "Standard Provisions for National Pollutant Discharge Elimination System Permit" dated October, 1990 (attached).
9. This Board Order does not authorize violation of any federal, state, or local laws or regulations.
10. The discharger is the responsible party for the waste discharge requirements and the monitoring and reporting program for the facility. The discharger shall comply with all conditions of these waste discharge requirements. Violations may result in enforcement actions including Regional Board Orders or court orders, requiring corrective action or imposing civil monetary liability, or in modification or revocation of these waste discharge requirements by the Regional Board.

11. The discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) that are installed or used by the discharger to achieve compliance with this Board Order. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a discharger only when necessary to achieve compliance with the conditions of this Board Order.
12. The discharger's wastewater treatment plant shall be supervised and operated by persons possessing certification of appropriate grade pursuant to Section 3680, Chapter 4, Division 4, Title 23 of the California Code of Regulations. The discharger shall ensure that all operating personnel are familiar with the contents of this Board Order.
13. Unless otherwise approved by the Regional Board's Executive Officer, all analyses shall be conducted at a laboratory certified for such analyses by the State Department of Health Services. All analyses shall be conducted in accordance with the latest edition of "Guidelines Establishing Test Procedures for Analysis of Pollutants", promulgated by the United States Environmental Protection Agency.
14. The discharger shall comply with "Monitoring and Reporting Program No. 00-087, and future revisions thereto, as specified by the Regional Board's Executive Officer; and shall be in accordance with the following:
 - a. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity.
 - b. The monitoring and reporting of influent and effluent shall be done, at a minimum, on an annual basis, or as specified in this Board Order. Sewage sludge shall be monitored when removed for final disposal, or as specified in this Board Order. More frequent monitoring may be required, depending on the nature and effect of the sewage sludge use or disposal practices. Frequency of sludge monitoring shall be in accordance with 40 CFR Part 503.
 - c. All monitoring, including that of sludge for reuse or disposal, must be conducted according to test procedures approved under 40 CFR Part 136 or as specified in this Board Order.
 - d. The discharger shall retain records of all monitoring information, including all calibrations and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of all reports required by this Board Order, and records of all data used to complete the application for this Board Order, for a period of at least 5 years from the date of the sample, measurement, report or application. This period may be extended by request of the Regional Board's Executive Officer.
 - e. Records of monitoring information shall include:
 1. The date, exact place, and time of sampling measurement(s).
 2. The individual(s) who performed the sampling or measurement(s).
 3. The date(s) analyses were performed.
 4. The individual(s) who performed the analyses.
 5. The results of such analyses.

- f. The results of any analysis of samples taken more frequently than required at the locations specified in Monitoring and Reporting Program No. 00-087 shall be reported to the Regional Board.
15. The discharger shall allow the Regional Board, or an authorized representative, upon presentation of credentials and other documents as may be required by law, to:
 - a. Enter upon the premises regulated by this Board Order, or the place where records must be kept under the conditions of this Board Order;
 - b. Have access to and copy, at reasonable times, any records that shall be kept under the conditions of this Board Order;
 - c. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this Board Order; and
 - d. Sample or monitor at reasonable times, for the purpose of assuring compliance with this Board Order or as otherwise authorized by the California Water Code, any substances or parameters at this location.
16. The discharger shall provide adequate notice to the Regional Board's Executive Officer of the following:
 - a. Any new introduction of pollutants into any of the treatment facilities described in the Findings of this Board Order from an indirect discharger which would be subject to Section 301 or 306 of the Federal Clean Water Act, if it were directly discharging the pollutants.
 - b. Any substantial change in the volume or character of pollutants being introduced into any of the treatment facilities described in the Findings of this Board Order by an existing or new source.
 - c. Any planned physical alterations or additions to the facilities described in this Board Order, or changes planned in the discharger's sludge use or disposal practice, where such alterations, additions, or changes may justify the application of Board Order conditions that are different from or absent in the existing Board Order, including notification of additional disposal sites not reported during the Board Order applications process, or not reported pursuant to an approved land applications plan.
 - d. Adequate notice shall include information on the quality and quantity of effluent introduced, and any anticipated impact of the change on the quantity or quality of the discharger's effluent and/or sludge.
 - e. The discharger shall report all instances of noncompliance. Reports of noncompliance shall be submitted with the discharger's next scheduled self-monitoring report or earlier if requested by the Regional Board's Executive Officer, or if required by an applicable standard for sludge use and disposal.
17. The discharger shall not cause degradation of any beneficial use of surface or ground water.

18. Adequate measures shall be taken to assure that flood or surface drainage waters do not erode or otherwise render portions of the discharge facilities inoperable.
19. Adequate measures shall be taken to assure that unauthorized persons are effectively excluded from contact with the wastewater disposal facilities.
20. The discharger shall implement acceptable operation and maintenance at the wastewater treatment plant so that needed repair and maintenance are performed in a timely manner.
21. This discharge shall not cause a violation of any applicable water quality standard for receiving waters adopted by the Regional Board or the State Water Resources Control Board as required by the Federal Clean Water Act and regulations adopted thereunder. If more stringent applicable water quality standards are promulgated or approved pursuant to Section 303 of the Federal Water Pollution Control Act or amendments thereto, the Regional Board will revise and modify this Board Order in accordance with such more stringent standards.
22. The discharger shall furnish, under penalty of perjury, technical monitoring program reports, and such reports shall be submitted in accordance with the specifications prepared by the Regional Board's Executive Officer. Such specifications are subject to periodic revisions as may be warranted.
23. The discharger may be required to submit technical reports as directed by the Regional Board's Executive Officer.
24. The discharger shall obtain prior written approval from the Regional Board specifying location and method of disposal before disposing of Class B or lesser quality sludge, or similar solid waste materials. In addition, the discharger shall provide the results of any sludge analyses as specified by the Regional Board's Executive Officer.
25. All sludge generated at the wastewater treatment plant will be disposed, treated, or applied to land in accordance with Federal Regulations 40 CFR 503.
26. The discharger shall exclude from the wastewater treatment plant any liquid or solid waste that could adversely affect the plant operation or effluent quality. The excluded liquid or solid waste shall be disposed in accordance with applicable regulations.
27. The discharger shall maintain a permanent log of all solids hauled away from the treatment facility for use/disposal elsewhere and shall provide a monthly summary of the volume, type (screenings, grit, raw sludge, digested sludge), use (agriculturally, composting, etc.), and the destination.
28. This Board Order may be modified, revoked and reissued, or terminated for any cause stated below. The filing of a request by the discharger for a Board Order modification, revocation, and re-issuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any Board Order condition. Causes for modification include the promulgation of new regulations, modification of land application plans, or modification in sludge use or disposal practices, or adoption of new regulations by the State Board or Regional Board, including revisions to the Basin Plan.
29. The discharger shall report any noncompliance that is likely to endanger human health or the environment, within 24 hours of becoming aware of its occurrence. The incident shall be reported to the Regional Board Office and to the Office of Emergency Services. During non-

business hours, the discharger shall leave a message on the Regional Board's voice mail. The Office of Emergency Services is operational 24 hours a day. A written report shall be submitted to this office, within five business days of the discharger becoming aware of the incident. The report shall contain a description of the noncompliance, its causes, the duration, and the actual or anticipated time for achieving compliance. The report shall include complete details of the steps that the discharger has taken or intends to take, in order to prevent recurrence. All intentional or accidental spills exceeding 1,000 gallons shall be reported as required by this provision.

30. The discharger shall submit a Spill Response Plan (SRP) for Regional Board staff review. Thereafter, the plan shall be updated annually, and shall be available for staff review during Regional Board inspections. The discharger shall ensure that all operating personnel are familiar with the contents of the SRP. A copy of the SRP shall be maintained at the site and shall be accessible to all operating personnel.
31. The discharger shall submit data sufficient to determine if a water quality-based effluent limitation is required in the discharge permit as required under the California Toxics Policy. It is the discharger's responsibility to provide all information requested by the Regional Board for use in the analysis. Within 90 days of adoption of this Board Order, the discharger shall provide a time schedule acceptable to the Regional Board for providing the data. The time schedule shall be as short as possible but not to exceed three years from the effective date of the California Toxics Policy. The time schedule shall contain interim requirements and dates for their achievement. There shall not be more than one year between interim dates. The interim requirements require that the discharger shall notify the Regional Board, in writing, no later than 14 days following each interim date, of its compliance or noncompliance with the interim requirements. The permit shall be reopened to establish water quality-based effluent limitations, if necessary.
32. In addition, should the discharger request to use a translator for metals and selenium different than the U.S. EPA conversion factor, it shall complete a translator study within two years from the date of the issuance of this permit as stated in the California Toxics Policy. In the event a translator study is not completed within the specified time, the U.S. EPA conversion factor-based effluent limitation as specified in the CTR shall be effective as a default limitation.
33. The discharger shall, as required by the Regional Board's Executive Officer, conduct a Pollutant Minimization Program in accordance with the California Toxics Policy when there is evidence that the priority pollutant is present in the effluent above an effluent limitation and a sample result is reported as detected and not quantified and the effluent limitation is less than the reported minimum level; or a sample result is reported as not detected and the effluent limitation is less than the method detection limit.
34. The permit shall be reopened and modified or revoked and reissued as a result of the detection of a reportable priority pollutant identified by special conditions' monitoring data, included in this permit. These special conditions in the permit may be, but are not limited to, fish tissue sampling, whole effluent toxicity tests, monitoring requirements on internal waste stream(s), and monitoring for surrogate parameters. Additional requirements may be included in the permit as a result of the special condition monitoring data.
35. By May 18, 2001, the discharger shall begin monitoring its effluent for the presence of 17 (Toxic equivalency factors for 2, 3, 7, 8-tetrachlorodibenzo-p-dioxin equivalents) congeners once during the dry weather and once during the wet weather each year for a period of three consecutive years.

36. Collected screenings, sludge, and other solids removed from liquid wastes shall be disposed of in a manner that is consistent with State Water Resources Control Board and Integrated Waste Management Board's joint regulations (Title 27) of the California Code of Regulations and approved by the Regional Board's Executive Officer.
37. The Federal Clean Water Act provides that any person who violates a permit condition implementing Sections 301, 302, 306, 307, 308, 318, or 405 of the Federal Clean Water Act is subject to a civil or criminal penalty.
38. In the event the discharger allows significant industrial uses to discharge to the wastewater treatment plant, the discharger shall do so by developing and implementing an approved Industrial Pretreatment Program in accordance with the applicable Federal Pretreatment Regulations promulgated in 40 CFR Part 403.
39. This Board Order does not convey any property rights of any sort or any exclusive privileges, nor does it authorize any injury to private property or any invasion of personal rights, nor any infringement or violation of federal, state, or local laws or regulations.

F. Pretreatment

1. In the event that significant industrial wastewater is being discharged to the wastewater treatment facility, then:
 - a. The discharger shall be responsible for the performance of all pretreatment requirements contained in the Code of Federal Regulations, Part 40, Section 403, and shall be subject to enforcement actions, penalties, and other remedies by the U. S. Environmental Protection Agency, or the Regional Board, as provided in the Federal Clean Water Act, as amended (33 USC 1251 et. seq.) (hereafter "Act").
 - b. In the event that a Pretreatment program is required, the discharger shall seek and obtain a formal approval of its Pretreatment Plan from the Regional Board's Executive Officer within 365 days.
 - c. The discharger shall implement and enforce its Pretreatment Program. The discharger's Pretreatment Program is hereby made an enforceable condition of this Board Order. The U. S. Environmental Protection Agency or the Regional Board may initiate enforcement action against an industrial user for noncompliance with applicable standards and requirements as provided in the Act.
 - d. The discharger shall enforce the requirements promulgated under Sections 307(b), 307(c), 307(d) and 402(b) of the Act. The discharger shall cause industrial users subject to Federal Categorical Standards to achieve compliance no later than the date specified in those requirements or, in the case of a new industrial user, upon commencement of the discharge.
 - e. The discharger shall perform the pretreatment functions as required in 40 CFR Part 403 including, but not limited to:
 1. Implementation of the necessary legal authorities as provided in 40 CFR 403.8(f)(1);
 2. Enforcement of the pretreatment requirements under 40 CFR 403.5 and 403.6;

3. Implementation of the programmatic function as provided in 40 CFR 403.8(f)(2); and
 4. Provisions of the requisite funding and personnel to implement the pretreatment program as provided in 40 CFR 403.8(f)(3).
2. The discharger shall submit annually a report to the U. S. Environmental Protection Agency, the State Board, and the Regional Board describing the discharger's pretreatment activities over the previous twelve months. In the event that the discharger is not in compliance with any conditions of the requirements of this Board Order, the discharger shall also include the reasons for noncompliance and state how and when the discharger shall comply with such conditions and requirements. This annual report is due by January 15 of each year and shall contain, but not be limited to:
- a. A summary of analytical results from representative, flow-proportioned, composite sampling of the POTW's influent and effluent for those pollutants U. S. Environmental Protection Agency has identified under Section 307(a) of the Act which are known or suspected to be discharged by industrial users. The discharger is not required to sample and analyze for asbestos until the U. S. Environmental Protection Agency promulgates an applicable analytical technique under 40 CFR Part 136. Sludge shall be sampled during the same 10-hour period and analyzed for the same pollutants as the influent and effluent. The sludge analyzed shall be a composite sample of a minimum of five discrete samples taken at equal time intervals over the 10-hour period. Wastewater and sludge sampling and analysis shall be performed a minimum of annually. The discharger shall also provide any influent, effluent or sludge monitoring data for non-priority pollutants which the discharger believes may be causing or contributing to interference, pass through or adversely impacting sludge quality. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 and amendments thereto.
 - b. A discussion of upset, interference, or pass through incidents, if any, at the POTW treatment plant which the discharger knows or suspects were caused by industrial users of the POTW system. The discussion shall include the reasons why the incidents occurred, the corrective actions taken, if known, the name and address of the industrial users' responsible. The discussion shall also include a review of the applicable pollutant limitations to determine whether any additional limitations, or changes to existing requirements may be necessary to prevent pass through, interference, or noncompliance with sludge disposal requirements.
 - c. The cumulative number of industrial users that the discharger has notified regarding Baseline Monitoring Reports and the cumulative number of industrial user responses.
 - d. An updated list of the discharger's industrial users including their names and addresses, or a list of deletions and additions keyed to a previously submitted list. The discharger shall provide a brief explanation for each deletion. The list shall identify the industrial users subject to Federal Categorical Standards by specifying which set(s) of standards are applicable. The list shall indicate which categorical industries, or specific pollutants from each industry, are subject to local limitations that are more stringent than the Federal Categorical Standards. The discharger shall also list the non-categorical industrial users that are subject only to local discharge limitations. The discharger shall characterize the compliance status of each industrial user by employing the following descriptions:
 1. In compliance with Baseline Monitoring Report requirements (where applicable);

2. Consistently achieving compliance;
 3. Inconsistently achieving compliance;
 4. Significantly violated applicable pretreatment requirements as defined by 40 CFR 403.8(f)(2)(vii);
 5. On a compliance schedule to achieve compliance (include the date final compliance is required);
 6. Not achieving compliance and not on a compliance schedule; or
 7. The discharger does not know the industrial user's compliance status.
- e. A report describing the compliance status of any industrial use characterized by the descriptions in items d (3) through (7) above, shall be submitted quarterly from the annual report date to the U. S. Environmental Protection Agency, Region 9, the State Board, and the Regional Board. This quarterly reporting requirement shall commence upon issuance of this Board Order.
- f. A summary of the inspection and sampling activities conducted by the discharger during the past year together with information and data regarding industrial users. The summary shall include:
1. The names and addresses of the industrial users subject to surveillance by the discharger and an explanation of whether they were inspected, sampled, or both, and the frequency of these activities; and
 2. The conclusions or results from the inspection or sampling of each industrial user.
- g. A summary of the compliance and enforcement activities during the past year. The summary shall include the names and addresses of the industrial users affected by the following actions:
1. Warning letters or notices of violation regarding the industrial users apparent noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the apparent violation concerned the Federal Categorical Standards or local discharge limitations;
 2. Administrative orders regarding the industrial users' compliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerns the Federal Categorical Standards or local discharge limitations;
 3. Civil actions regarding the industrial users' noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerns the Federal Categorical Standards or local discharge limitations;
 4. Criminal actions regarding the industrial users' noncompliance with Federal Categorical Standards or local discharge limitations. For each industrial user, identify whether the violation concerns the Federal Categorical Standards or local discharge limitations;
 5. Assessment of monetary penalties. For each industrial user, identify the amount of penalties;

6. Restriction of flow of the POTW; or
7. Disconnection from discharge to the POTW.

- h. A description of any significant changes in operating the pretreatment program which differs from the information in the discharger's approved POTW Pretreatment Program including, but not limited to, changes concerning: the program's administrative structure; local industrial discharge limitations; monitoring program or monitoring frequencies; legal authority or enforcement policy; funding mechanisms; resource requirements; or staffing levels.
- i. A summary of the annual pretreatment budget, including the cost of pretreatment program functions and equipment purchases.
- j. A summary of public participation activities to involve and inform the public.
- k. A description of any changes in sludge disposal methods and a discussion of any concerns not described elsewhere in the report.

Duplicate signed copies of these reports shall be submitted to the U. S. Environmental Protection Agency's Regional Administrator, and Regional Board at the following addresses:

Regional Administrator
U. S. Environmental Protection Agency
Region 9, Attn: W-3
75 Hawthorne Street
San Francisco, CA 94105

California Regional Water Quality Control Board
Colorado River Basin Region
73-720 Fred Waring Drive, Suite 100
Palm Desert, CA 92260

I, Philip A. Gruenberg, Executive Officer, do hereby certify that the foregoing is a full, true and correct copy of an Order adopted by the Regional Water Quality Control Board, Colorado River Basin Region, on June 28, 2000.

Executive Officer